

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHELLE CHISM.

CASE NO: 2:20-cv-00967-ART-DJA

Plaintiffs,

VS.

ORDER GRANTING (ECE No. 64)

COSTCO WHOLESALE CORPORATION,
DOES I-V; ROE CORPORATIONS 1-X,

Defendants.

**STIPULATION AND ORDER TO SUBMIT CASE TO SETTLEMENT CONFERENCE
OR ALTERNATIVE METHOD OF DISPUTE RESOLUTION AND STAY
DISCOVERY AND ALL DEADLINES PENDING COMPLETION**

Pursuant to Local Rule of Practice for the United States District Court, District of Nevada (“LR”) II 16-5, Plaintiff, MICHELLE CHISM (hereinafter referred to as “Ms. Chism” or “Plaintiff”), by and through counsel, Peter Angulo, Esq. of the Angulo Law Group and Defendant, COSTCO WHOLESALE CORPORATION (hereinafter referred to as “Costco”) by and through

1 counsel, Edgar Carranza, Esq. and Megan Wessel, Esq. of MESSNER REEVES, LLP, hereby stipulate
2 to submit this case to settlement conference/mediation as a method of dispute resolution and stay all
3 discovery and other activities and deadlines pending completion of the same (First Request to Stay)
4 as follows:

5 WHEREAS, the Parties wish to submit this matter to a settlement conference/mediation in
6 an effort to explore a potential early resolution as contemplated by LR II 16-5;

7 WHEREAS, the Parties wish to avoid incurring the significant effort and expense that
8 moving forward with discovery and the remaining deadlines would require pending completion of
9 the settlement conference/mediation; and

10 WHEREAS, the Parties agree that good cause exists for the entry of the foregoing
11 Stipulation and Order.

12 THEREFORE, the Parties hereby stipulate and agreed as follows:

13 1. Plaintiffs filed her Complaint on May 11, 2020, in the Eighth Judicial District Court.
14 2. On May 28, 2020, Costco filed its Petition for Removal of this action to this Court
15 for complete diversity jurisdiction pursuant to 28 U.S.C. 1332, 1441 and 1446 [Doc No. 1].

16 3. After the Parties completed the requirements of FRCP 26, this Court entered the
17 stipulated Discovery Plan and Scheduling Order [Doc. No. 9].

18 4. The Parties embarked on discovery. Each served initial disclosures and a several
19 waves of written discovery requests which have been responded to. Depositions were taken of five
20 Costco personnel who responded to the scene and its Rule 30(b)(6) witness. Plaintiff was deposed,
21 as was her boyfriend, Eddie Diaz. Other fact witnesses were deposed including Costco customer,
22 Alexandra Headrick, and responding EMT, Jonathan Cuff.

5. On October 28, 2021, Costco filed a motion for summary judgment [Doc. No. 28] which Plaintiff opposed on November 29, 2021, and filed a countermotion for spoliation of evidence [Doc No. 31].

6. On May 27, 2022, the Court issued a minute order denying both the motion for summary judgment and the counter motion for spoliation of evidence, without prejudice [Doc. No. 49].

7. On April 10, 2023, Costco filed its renewed motion for summary judgment [Doc No. 55], to which Plaintiff filed an opposition and counter motion for spoliation of evidence on May 1, 2023 [Doc No. 56].

8. After completion of the briefing schedule, this Court heard oral arguments and on November 14, 2023, issued a minute order denying the motion for summary judgment and granting the counter motion for spoliation of evidence [Doc. No. 63].

9. Having completed most fact discovery, and after discussions about the merits of the case, the remaining medical and expert discovery that would be required and the potential for an early resolution, the Parties have agreed and hereby stipulate that this case would benefit from more formal efforts to explore a potential resolution. In an effort to do so without incurring significant effort and expense that would be required by formal discovery and complying with the pending deadlines and filings, the Parties have agreed and hereby stipulate to submit this case to a settlement conference/mediation as contemplated by LR II 16-5, upon this Court's endorsement of this stipulation.

10. The Parties further agree to stay the remaining discovery to allow for completion of the settlement conference/mediation. Should this matter continue, the Parties are free to complete the remaining discovery efforts pursuant to the applicable rules and any order from this Court.

1 11. The Parties further hereby stipulate and agree that all formal discovery efforts and all
2 deadlines pursuant to the court rules and the applicable scheduling order shall be stayed pending
3 the completion of the settlement conference/mediation.

4 12. If the matter is not resolved by these efforts, the Parties will advise this Court via a
5 status report or other filing this Court deems appropriate and seek to re-set the deadlines, agree to
6 new dates for the pending depositions and other requirements.
7

8 13. The Parties further request a hearing before this Court, if necessary, so the Court and
9 the Parties can determine the most efficient manner to proceed.
10

11 DATED this 7th day of December, 2023.

DATED this 7th day of December, 2023.

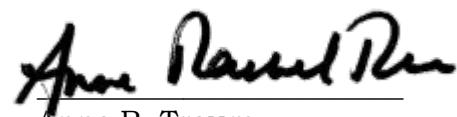
12 **MESSNER REEVES, LLP**

Angulo Law Group, LLC

14 /s/ *Edgar Carranza*
15 By: _____
16 Edgar Carranza, Esq.
17 Nevada Bar No. 5902
18 Megan Wessel, Esq.
19 Nevada Bar No. 14131
20 8945 West Russell Road, Suite 300
21 Las Vegas, Nevada 89148
22 Attorney for Defendant
23 COSTCO WHOLESALE CORPORATION

14 /s/ *Peter Angulo*
15 By: _____
16 Peter Angulo, Esq.
17 Nevada Bar No. 3672
18 5545 S. Mountain Vista Street, Suite F
19 Las Vegas, Nevada 89120
20 Attorney for Plaintiff
21 MICHELLE CHISM

22 IT IS SO ORDERED.
23

24 
25 Anne R. Traum
26 United States District Judge

27 DATED: December 11, 2023